

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed January 23, 2007. Claims 4-88 were pending in the present application. Claims 4-88 are allowable. This Amendment does not add, cancel, or amend any claims, leaving pending in the application claims 4-88. Reconsideration of the rejected claims is respectfully requested.

#### **I. Double Patenting**

Claims 4, 6, 8, 17-22, 27, 30-33, 35, 36, 38, 40, 43, 44, 47, 51-53, 56, 58, 60-63, 66, 70-72, 77, 79-81, 84, and 86-88 are provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over co-pending Application No. 10/035,413. Although Applicants do not agree with the rejection for reasons including those of record, and although the co-pending application has not yet issued as a patent (although the issue fee has previously been paid), Applicants submit herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). Applicants therefore respectfully submit that the provisional rejection has been overcome, and submit that the claims now are in condition for allowance.

#### **II. Objection to the Claims**

Claims 5, 7, 9-16, 23-26, 28, 29, 34, 37, 39, 41, 42, 45, 46, 48-50, 54, 55, 57, 59, 64, 65, 67-69, 73-76, 78, 82, 83, and 85 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, a timely filed terminal disclaimer accompanies this response, such that all claims should be in condition for allowance. Applicants therefore respectfully request that the objection to the claims be withdrawn.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/041,015  
Amdt. dated March 22, 2007  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2174

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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